

### **REMARKS**

Prior to this amendment, claims 13, 14, 16-27 and 30 were pending. No claims are canceled and new claims 31-34 are added herein. Thus, after entry of this amendment, **claims 13, 14, 16-27 and 30-34 will be pending.**

Claims 13 and 25 are amended to delete “or a fragment of a mature PsaA protein.” New claims 31-34 find support in the original claims (such as claims 16-19) and specification (for example, at pages 18-19). No new matter has been introduced by these amendments.

### **EXAMINER INTERVIEW**

Applicants thank Examiner Swartz for the courtesy of a telephone interview with Applicants’ representative, Jodi L. Connolly, on November 18, 2008. During the interview, the pending enablement rejection was discussed. Examiner Swartz indicated that removal of the phrase “or a fragment of a mature PsaA protein” in claims 13 and 25 would obviate the enablement rejection. Claims 13 and 25 have been amended accordingly.

### **REJECTION UNDER 35 U.S.C. §112, FIRST PARAGRAPH**

**Claims 13, 16-19 and 25-27** stand rejected under 35 U.S.C. §112, first paragraph as allegedly lacking enablement. The Office maintains that the claims lack enablement for producing the whole lipidated PsaA protein using a nucleic acid encoding a fragment of the protein. Although not in agreement with the Office’s assertion, and solely to advance prosecution of the application, claims 13 and 25 are amended herein to remove the phrase “or a fragment of a mature PsaA protein.” During the telephone interview of November 18, 2008, the Examiner indicated that the amendments to claims 13 and 25 would be sufficient to overcome the enablement rejection. Therefore, Applicants request withdrawal of this rejection under 35 U.S.C. §112, first paragraph.

### **ALLOWED CLAIMS**

The Office indicates claims 14, 20-24 and 30 are allowed. Applicants submit claims 13, 16-19 and 25-27, and new claims 31-34, also are in condition for allowance.

## CONCLUDING STATEMENT

It is respectfully submitted that the present claims are in a condition for allowance. Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

Respectfully submitted,

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